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EXAMINER

NGUYEN, HAI V

ART UNIT

PAPER NUMBER

2142

DATE MAILED: 06/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/088,784

Applicant(s)

GILHULY ET AL.

Examiner

Hai V. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 April 2006.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 63-111 and 113-121 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 63-111 and 113-121 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action is in response to the communication received on 04 April 2006.
2. Claims 1-62 were cancelled.
3. Claim 112 cancelled.
4. Claims 113-121 are new.
5. Claims 63-111, 113-121 are presented for examination.
6. The double patenting rejections with patent # 6,701,378; the co-pending applications # 09/928,983 and 10/671,162 are pending.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102(b) that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 63-82, 89-90, 92-93, 96-98, 101-102, 106-109, 113-118 and 120-121 are rejected under 35 U.S.C. 102(b) as being anticipated by AirMobile Communication Server Guide ("AirMobile Software For Lotus cc:Mail Wireless", User Guide version 1.1, 1995, hereafter "**AirMobile**").
9. As to claim 63, AirMobile discloses a method of redirecting data messages from a messaging host system (*Fig. 1; cc:Mail Post Office Server*) to a wireless mobile communication device (*Fig. 1, wireless cc:Mail Mobile user*), comprising the steps of:
receiving a data message at the messaging host system, wherein the messaging host system stores the data message in a first message store (*Fig. 1, Post Office*

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Server's storage) associated with a user of the wireless mobile communication device (*Fig. 1, Post Office Server receiving data message from user and storing it in the user's cc:Mail mailbox at The Post-Office server, pages 10-11*);

detecting the data message at the messaging host system (*Fig. 1, Post-Office Server recognizes the incoming data message from the user once the user has registered with his mailbox with the cc:Mail Post Office Server, pages 10-11*);

forwarding a copy of the data message (*AirMobile, transferring emails or cc:mails*) from the messaging host system (*Fig. 1, Post-Office Server*) to a wireless redirector host system (*Fig. 1, AirMobile Wireless for cc:Mail Server*) via a wide area network connection between the messaging host system and the wireless redirector host system;

storing the data message in a second message store (*cc:Mail Server's user mailbox account*) associated with the user of the wireless mobile communication device at the wireless redirector host system (*AirMobile, Fig. 1, e-mails or cc:Mails stored in AirMobile Wireless for cc:Mail Server*).

determining whether the data message stored in the second message store should be redirected from the wireless redirector host system to the user's wireless mobile communication device (*Fig. 1, pages 10-11, 25-27, 35, determining the routing or downloading or transferring of messages to mobile user from the AirMobile Wireless for cc:Mail Server*); and

if the data message should be redirected, then packaging the data message into an electronic envelope and transmitting the electronic envelope from the wireless

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redirector host system to the user's wireless mobile communication device via a wireless gateway (*AirMobile, Fig. 1, wherein the "Mobidem" serves as the gateway*) coupling the wireless redirector host system to a wireless transmission network (*Fig. 1, pages 10-11, 25-27, 35 describing the messaging system and the filtering of messages at the AirMobile Wireless for cc:Mail Server*).

10. As to claim 64, AirMobile discloses wherein the data message is an e-mail message and the first data store is an e-mail inbox associated with an electronic mail system (*AirMobile, page 10*).

11. As to claim 65, AirMobile discloses, wherein the detecting step includes the steps of: determining whether a data message has been received at the messaging host system for a particular user of a wireless mobile communication device (*AirMobile, page 10*); and checking a forwarding file coupled to the messaging host system to determine whether the particular user's data messages should be forwarded to the wireless redirector host system (*AirMobile, page 10*).

12. As to claim 66, AirMobile discloses, wherein the forwarding file includes a list of network addresses associated with the wide area network connection where the user's data messages should be forwarded by the messaging host system (*AirMobile, page 10*).

13. As to claim 67, AirMobile discloses, further comprising the steps of:
configuring a set of filtering rules for use by the wireless redirector host system in determining whether the data message should be redirected to the user's wireless mobile communication device (*AirMobile, page 11-12*); and

providing an access mechanism that allows the user to remotely configure and reconfigure the filtering rules by connecting to the wireless redirector host system from a remote terminal (*AirMobile*, page 11-12)).

14. As to claim 68, AirMobile discloses, further comprising the steps of:

configuring a user profile database for use by the wireless redirector host system in determining whether the data message should be redirected to the user's wireless mobile communication device (*AirMobile*, page 11-12); and providing an access mechanism that allows a system administrator of the messaging host system to remotely configure and reconfigure the user profile database by connecting to the wireless redirector host system from a remote terminal (*AirMobile*, page 11-12).

15. As to claim 69, AirMobile discloses, further comprising the steps of receiving the electronic envelope at the user's wireless mobile communication device; extracting the data message from the electronic envelope; and storing the data message within a memory of the mobile device (*AirMobile*, an electronic envelope is inherently necessary to send messages between the host and the mobile device, pages 26-27).

16. As to claim 70, AirMobile discloses, further comprising the steps of generating a reply data message at the wireless mobile communication device; packaging the reply data message into an electronic envelope and transmitting the electronic envelope to the wireless redirector host system (*AirMobile*, page 26 describing messages transmitted by the wireless mobile device, pages 26-27).

17. As to claim 71, AirMobile discloses, wherein the electronic envelope is addressed using an electronic address of the wireless redirector host system (*AirMobile*, page 26

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describing messages transmitted by the wireless mobile device to the director server will necessarily be addressed using the address of the redirector host system, pages 26-27).

18. As to claim 72, AirMobile discloses, further comprising the steps of:

extracting the reply data message from the electronic envelope at the wireless redirector host system (*AirMobile, Fig. 1, pages 10-11, 25-27, 35*);

reconfiguring the addressing information associated with the reply data message; and transmitting the reconfigured reply data message from the wireless redirector host system to the messaging host system (*AirMobile, Fig. 1, pages 10-11, 25-27, 35*).

19. As to claim 73, AirMobile discloses, further comprising the steps of:

receiving the reconfigured reply data message at the messaging host system; and storing the reply data message in the first message store associated with the user of the wireless mobile communication device (*AirMobile, Fig. 1, pages 10-11, 25-27, 35*).

20. As to claim 74, AirMobile will necessarily complete the claimed steps of:

receiving a reply received at the redirector host system, reconfiguring the addressing information associated with the reply, and transmitting the reconfigured reply data message to a destination using an electronic address included in the reply data message (*i.e., the messages sent from the mobile device are intended for outside recipients, so it must include the address of those recipients and must have addresses reconfigured upon redirection at the redirection host system*).

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21. Claims 75-82 are disclosed in the same sections of AirMobile discussed previously.
22. Claims 89-90 are disclosed on pages 17 of AirMobile.
23. Claim 93 has similar limitations of claim 63, 67; therefore, it is rejected under the same rationale as in claims 63, 67.
24. Claim 94 is similar limitations of claim 67; therefore, it is rejected under the same rationale as in claim 67.
25. As to claim 96, AirMobile further discloses an interface for redefining or turning on or off the filtering mechanism that includes an activation/deactivation switch to turning on or off the operation of the wireless redirector host system for a particular user (*i.e., the "Enable" feature, see Figs. 2-5, for example*).
26. As to claim 97, AirMobile discloses accessing a user profile database coupled to the wireless redirector host system to verify that the user associated with the E-Mail message is an authorized user (*AirMobile, "password", page 17*).
27. As to claim 98, AirMobile discloses providing an access mechanism that allows a system administrator of the messaging host system to remotely configure and reconfigure the user profile database (*AirMobile, pages 11-12*).
28. As to claim 101, AirMobile discloses, wherein the wireless redirector host system and the wireless mobile device communicate through a wireless gateway system and a wireless communication network (*AirMobile, Fig. 1, wherein the "Mobidem" serves as the gateway*).

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29. As to claim 102, AirMobile discloses a system for redirecting data messages from a network to a user's wireless mobile device, comprising:

a messaging host system (*Fig. 1, Post-Office Server*) coupled to the network for receiving data messages (*Fig. 1, user's emails*) associated with a particular user and for storing and forwarding the received data messages to a predetermined address (*Fig. 1, AirMobile Wireless cc:Mail Server associated with its network IP address*) on the network (*AirMobile "Note"*); and

a redirector host system associated with the predetermined address for receiving and storing the forwarded data messages from the messaging host system and for redirecting those data messages to the user's wireless mobile device via a wireless gateway (*AirMobile, Fig. 1, wherein the "Mobidem" serves as the gateway*) coupling the redirector host system to a wireless transmission network (*AirMobile, Fig. 1, wireless data network*).

30. As to claim 106, AirMobile discloses, wherein the redirector host system further includes a redirector software program for determining whether certain data messages should be redirected to the user's wireless mobile device; a filter rules database containing filtering rules to apply to the received data messages for a particular user; and a user profile database containing a list of authorized users (*AirMobile, Fig. 1, AirMobile Wireless for cc:Mail Server; pages 10-12*).

31. As to claim 107, AirMobile discloses a wireless data store for storing the forwarded data messages (*AirMobile, Fig. 1, AirMobile Wireless for cc:Mail Server; pages 11-15*).

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32. As to claim 108, AirMobile discloses the data messages are Email messages and messaging host system is an E-mail server (*AirMobile, Fig. 1, Post Office server; pages 10-15*).

33. Claim 109 is similar limitations of claim 67; therefore, it is rejected under the same rationale as in claim 67.

34. As to claim 113, AirMobile discloses the method comprising the steps of:

receiving data messages (*Airmobile, Fig. 1, emails or cc:Mail*) forwarded from the messaging host system (*Airmobile, Fig. 1, Post-Office Server*) to an address associated with the user of the wireless mobile communication device (*Airmobile, Fig. 1, AirMobile Wireless for cc:Mail Server*) at a wireless redirector host system (*Airmobile, Fig. 1, AirMobile Wireless for cc:Mail Server*) via a wide area network connection;

storing the forwarded data messages in a second message store associated with the user of the wireless mobile communication device at the wireless redirector host system (*Airmobile, Fig. 1, e-mails stored in AirMobile Wireless for cc:Mail Server*);

determining at the wireless redirector host system which of the forwarded data messages should be redirected to the wireless mobile communication device; and redirecting at least some of the forwarded data messages from the wireless redirector host system to the wireless mobile communication device using an address of the wireless mobile communication device via a wireless transmission network (*Fig. 1, pages 10-11, 25-27, 35 describing the messaging system and the filtering of messages at the AirMobile Wireless for cc:Mail Server*).

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35. Claims 114-118 have similar limitations of claims 64, 68, 71, 72, 74; therefore, it is rejected under the same rationale as in claims 64, 68, 71, 72, 74.

36. Claim 120 corresponds to the system in means plus function claim of claim 113; therefore, it is rejected under the same rationale as in claim 113.

37. Claim 121 corresponds to the computer readable medium claim of claim 113; therefore, it is rejected under the same rationale as in claim 113.

Claim Rejections - 35 USC § 103

38. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

39. Claims 83-86, 99, 100, and 103, 119 are rejected under 35 U.S.C. 103(a) as being unpatentable over **AirMobile**, and further in view of **Nelson** U.S. patent # **6,061,718**.

40. As to claims 83-84, AirMobile does not explicitly disclose, wherein the messaging host system is run by an Internet Service Provider (ISP). Nonetheless, it is well known to use e-mail over the Internet on an e-mail service run by an ISP, as evidenced by Nelson (*Nelson, col. 5, line 65- col. 6, line 4*). Thus, it would have been obvious for the e-mail system taught by AirMobile to be run by an ISP because that would increase business with the ISP and would allow users to access mail from anywhere in the world.

41. As to claim 85, 99, the combined system of AirMobile and Nelson will perform the steps of including a forwarding database for detecting whether new data message

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received at the mail server should be forwarded to a wireless redirector host system, and for determining the electronic network address of the wireless redirector host system (*AirMobile*, page 13, "Note").

42. As to claims 86, 100, and 103, the combined system of AirMobile and Nelson will necessarily connect the messaging host system (*i.e.*, *ISP server*) and redirector host system over the Internet.

43. Claim 119 has similar limitations of claim 103; therefore, it is rejected under the same rationale as in claim 103.

44. Claims 87, 88, 95, 110, and 111 are rejected under 35 U.S.C. 103(a) as being unpatentable over **AirMobile**, and further in view of **Birrell** U.S. patent # **6,185,551**.

45. As to claims 87, 88, 95, 110, and 111, AirMobile discloses, remotely configuring and reconfiguring the filtering rules and profile database using an interface, but does not disclose using a web-based interface. Nonetheless, the use of web-based interfaces for e-mail systems is well-known, as evidenced by Birrell (*Birrell*, title, "*Web-based electronic mail service...*"). It would have been obvious to use a web-based system as the interface in AirMobile because the Web is ubiquitous and accessible worldwide.

46. Claim 91 is rejected under 35 U.S.C. 103(a) as being unpatentable over **AirMobile**, and further in view of **LookSmart** ("Motorola Brings AirMobile Software Products to the DCPD Network; Motorola Provides Mobile Corporate cc:Mail Users with Flexibility to Use Any Major Wireless data Network", Business Wire, January 1996).

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47. As to claim 91, LookSmart describes that AirMobile uses compression. It would have been obvious to include compression in the AirMobile system to save network bandwidth.

48. Claim 92 is rejected under 35 U.S.C. 103(a) as being unpatentable over **AirMobile**, and further in view of **Hertzog** et al., U.S. Provisional Patent Application # **60/132,560**.

49. As to claim 92, AirMobile does not explicitly disclose, the data message is a calendar event message. Nonetheless, it is well known to send an e-mail message as calendar event message, as evidenced by Hertzog (*Hertzog*, pages 27-28). Thus, it would have been obvious for the e-mail system taught by AirMobile to be included by a calendar event message because that would increase business with the users and would allow users to access mail from anywhere in the world.

50. Claims 104-105 are rejected under 35 U.S.C. 103(a) as being unpatentable over **AirMobile**, and further in view of **Infotech** ("The Perils of E-Mail: Unsolicited Messages!", Infotech Update, New York, August 1997).

51. As to claim 104, AirMobile discloses at the messaging host system a program for transmitting user data messages and a forwarding file containing a list of authorized user's of the system and the predetermined address to which the messaging host system will forward each user's data messages (*all of this is inherently part of the Post Office server in order to forward messages received at Post Office server to the appropriate AirMobile server, see Fig. 1, pages 11-13*). However, AirMobile does not explicitly disclose what program is used for the message forwarding, and thus does not

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disclose a "sendmail" program. Nonetheless, sendmail programs for message forwarding are well known, as evidenced by Infotech (*Infotech, see page 1, last paragraph*). It would have been obvious to forward the messages in the AirMobile system to avoid the need to create an entirely new mail forwarding program.

52. As to claim 105, the Post Office message host system taught by AirMobile will necessarily store the data messages of users having accounts on the messaging host system.

53. Further references of interest are cited on Form PTO-892, which is an attachment to this action.

Response to Arguments

54. Applicant's arguments filed on 04 April 2006 have been fully considered but they are not persuasive.

55. In the remarks, Applicant argued in substance that:

Point (A), the prior art do not disclose that, "forwarding a copy of the data message from the messaging host system to a wireless redirector host system via a wide area network connection between the messaging host system and the wireless redirector host system" in claim 63.

As to point (A), AirMobile disclose in Figure 1 that, "forwarding a copy of the data message (*AirMobile, transferring emails or cc:mails*) from the messaging host system (*Fig. 1, Post-Office Server*) to a wireless redirector host system (*Fig. 1, AirMobile Wireless for cc:Mail Server*) via a wide area network connection between the messaging host system and the wireless redirector host system".

Point (B), the prior art do not discloses that, "storing the data message in a second message store (*cc:Mail Server's user mailbox account*) associated with the user of the wireless mobile communication device at the wireless redirector host system" in claim 63.

As to Point (B), AirMobile discloses in Figure 1 that "storing the data message in a second message store (*cc:Mail Server's user mailbox account*) associated with the user of the wireless mobile communication device at the wireless redirector host system (*AirMobile, Fig. 1, e-mails or cc:Mails stored in AirMobile Wireless for cc:Mail Server*).

Point (C), the prior art do not disclose that, "determining whether the data message stored in the second message store should be redirected from the wireless redirector host system to the user's wireless mobile communication device" in claim 63.

As to point (C), AirMobile disclose in Figure 1 that "determining whether the data message (*emails or cc:Mails*) stored in the second message store (*Fig. 1, AirMobile Wireless cc:Mail Server*) should be redirected from the wireless redirector host system to the user's wireless mobile communication device (*Fig. 1, pages 10-11, 25-27, 35, determining the routing or downloading or transferring of messages to mobile user from the AirMobile Wireless for cc:Mail Server*).

Point (D), the prior art doe not disclose that pushing emails wherein three addresses are used.

As to point (D), AirMobile discloses pushing emails using three addresses: mobile sender's address, mobile receiver's and the AirMobile Wireless cc: Mail Server's address as shown in Figure 1.

Conclusion

56. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai V. Nguyen whose telephone number is 571-272-3901. The examiner can normally be reached on 6:00-3:30 Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Hai V. Nguyen
Examiner
Art Unit 2142



THONG VU
P.E.

